

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMBER COOK, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

GAMESTOP, INC.,

Defendant.

Civil Action

No.: 2:22-cv-01292-NR

DEFENDANT GAMESTOP, INC.'S MOTION TO DISMISS

Defendant GameStop, Inc., by and through its undersigned counsel, respectfully moves to dismiss Plaintiff's First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. The grounds for this Motion are set forth in GameStop's Memorandum of Law filed contemporaneously herewith.

Dated: January 16, 2023

Respectfully submitted,

By: /s/ Jeffrey Landis

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2023, a true and correct copy of the foregoing **DEFENDANT GAMESTOP, INC.’S MOTION TO DISMISS FIRST AMENDED COMPLAINT** was electronically filed with the Clerk of Court for the Western District of Pennsylvania using the Court's CM/ECF Court Filing system, which will send notification of such filing to all registered counsel of record.

/s/ Jeffrey Landis
Jeffrey Landis